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OFFICE OF PETITIONS

In re Patent No. 6,911,207 :
Issued: June 28, 2005 :
Application No. 09/980,064 : PATENT TERM ADJUSTMENT
Filed: March 27, 2002 :
Atty. Dkt. No.: 50125/037001 :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705," filed August 10, 2005. This matter is being treated under 37 CFR 1.705(d) as a timely filed application for patent term adjustment.

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(d) is GRANTED TO THE EXTENT INDICATED HEREIN.

The above-identified application matured into U.S. Patent No. 6,911,207 on June 28, 2005. The instant request for reconsideration was timely filed August 10, 2005 in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 180 days. Applicants argue that the patent is entitled to an adjustment of 183 days.

At the time of issuance, the patent was entitled to an overall adjustment of 304 days. An adjustment of 185 days under 37 CFR 1.702(a)(2) can be attributed to the Office. The adjustment began September 9, 2003, the day after the date that is four months after the date a reply under § 1.111 was filed, and ended March 12, 2004, the date of mailing of non-final Office action. See 37 CFR 1.703(a)(2).

A further adjustment of 119 days under 37 CFR 1.702(a)(4) can be attributed to the Office for failure to issue the patent within four months of the date of receipt of the issue fee payment. The adjustment began March 2, 2005, the day after the date that is four months after the date that the issue fee payment was received, and ended June 28, 2005, the date the patent issued. See 37 CFR 1.703(a)(6).

The adjustment of 304 days, however, is reduced two days under 37 CFR 1.704(b) for applicants failure to engage in reasonable efforts to conclude prosecution. The reduction began July 13,

2004, the day after the date that is three months after the date of mailing of non-final Office action, and ended June 14, 2004, the date of receipt of applicants' response.

The adjustment of 304 days is further reduced two days under 37 CFR 1.704(b) for applications failure to engage in reasonable efforts to conclude prosecution. The reduction began October 31, 2004, the day after the date that is three months after the date the Notice of Allowance was mailed, and ended November 1, 2004, the date the issue fee payment was received.

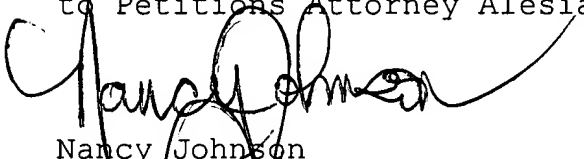
A review of the PALM calculations for this application reveals that the determination of PTA was reduced by 120 days for applicant's submission of drawings after the mailing of the notice of allowance. See 37 CFR 1.704(c)(10). However, a review of the application record supports a conclusion that no drawings (or any other paper, aside from the instant petition) were filed in this application after the mailing of the notice of allowance.

Accordingly, at the time of issuance, the patent was entitled to an overall adjustment of 300 days.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 300 days.

It is noted that applicants submitted \$400.00 in connection with the instant application for PTA. The current application fee is \$200.00. A refund of \$200.00 of the fee submitted has been requested from the Finance Office, Refund Section.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

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CERTIFICATE OF CORRECTION

PATENT : 6,911,207 B1
DATED : June 28, 2005
INVENTOR(S) : Jochmus, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 180 days

Delete the phrase "by 180 days" and insert – by 300 days--